

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-165-8
Relating to Exemptions Under Section 27156
Of the Vehicle Code

Downey Off Road Manufacturing
EFI Air Cleaner Assembly

Pursuant to the authority vested in the Air Resources Board by Section 27156 of the Vehicle Code; and

Pursuant to the authority vested in the undersigned by Section 39515 and Section 39516 of the Health and Safety Code and Executive Order G-02-003;

IT IS ORDERED AND RESOLVED; That the installation of the EFI Air Cleaner Assembly, manufactured and marketed by Downey Off Road Manufacturing, 10001 S. Pioneer Boulevard, Santa Fe Springs, California 90670-3221 has been found not to reduce the effectiveness of the applicable vehicle pollution control system and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for the following Toyota truck applications:

Part No.	Application
171FI-85	1985-87 pickup and 4Runner, 4 cyl. engine
171FI-88	1988 pickup and 4Runner, 4 cyl. engine
171FI-89	1989-95 pickup and 4Runner, 4 cyl. engine
171FI-95	1995-98 pickup and 4Runner, 4 cyl. engine
171FI-30	1988-95 pickup and 4Runner, 6 cyl. engine
171FI-34	1995-98 pickup and 4Runner, 6 cyl. engine
17195-T	1995-98 T-100, 6 cyl engine
171FI-99	1999-2002 pickup and 4Runner, 6 cyl. engine
171FI-00	2000-2002 Tundra, 8 cyl engine

The EFI Air Cleaner Assembly includes the following main components: K&N cone shaped open element filter, necessary tubing, and mounting hardware.

This Executive Order is valid provided that the installation instructions for the EFI Air Cleaner Assembly will not recommend tuning the vehicle to specifications different from those of the vehicle manufacturer.

This Executive Order shall not apply to any Downey Off Road Manufacturing EFI Air Cleaner Assembly advertised, offered for sale, sold with, or installed on a motor vehicle prior to or concurrent with the transfer to an ultimate purchaser.

Changes made to the design or operating conditions of the EFI Air Cleaner Assembly, as exempt by the Air Resources Board, which adversely affect the performance of the vehicle's pollution control system shall invalidate this Executive Order.

Marketing of the EFI Air Cleaner Assembly using any identification other than that shown in this Executive Order or marketing of the EFI Air Cleaner Assembly for an application other than those listed in this Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board. Exemption of the system shall not be construed as exemption to sell, offer for sale, or advertise any component of the kit as an individual device.

This Executive Order does not constitute any opinion as to the effect that the use of the EFI Air Cleaner Assembly may have on any warranty either expressed or implied by the vehicle manufacturer.

This Executive Order is granted based on an engineering evaluation which determined that the EFI Air Cleaner Assembly will have no adverse impact on evaporative or tailpipe emissions if tested in accordance with the Cold-Start CVS-75 Federal Test Procedure. Furthermore, Downey Off Road Manufacturing demonstrated, using a 1995 Toyota truck, that the EFI Air Cleaner Assembly did not affect the ability of the vehicle's OBDII system to monitor various emission related functions. However, the ARB finds that reasonable grounds exist to believe that the use of the EFI Air Cleaner Assembly may adversely affect emissions of motor vehicles when operating under conditions outside the parameters of the previously prescribed test procedures. Accordingly, the ARB reserves the right to conduct additional emission tests, in the future, as such tests are developed, that will more adequately measure emissions from all cycle phases. If such test results demonstrate that the EFI Air Cleaner Assembly adversely affects emissions during off-cycle conditions (defined as those conditions which are beyond the parameters of the Cold-Start CVS-75 Federal Test Procedure), this Executive Order shall be effectively rescinded as of the date the test results are validated. Further, if such test results or other evidence provides the ARB with reason to suspect that the EFI Air Cleaner Assembly will affect the durability of the emission control system, Downey Off Road Manufacturing shall be required to submit durability data to show that the durability of the vehicle emissions control system is not, in fact, affected and/or that the add-on or modified part demonstrates adequate durability.

In addition to the foregoing, the ARB reserves the right in the future to review this Executive Order and the exemption provided herein to assure that the exempted add-on or modified part continues to meet the standards and procedures of Title 13, California Code of Regulations, Section 2222, et seq.

THIS EXECUTIVE ORDER DOES NOT CONSTITUTE A CERTIFICATION, ACCREDITATION, APPROVAL, OR ANY OTHER TYPE OF ENDORSEMENT BY THE AIR RESOURCES BOARD OF ANY CLAIMS OF THE APPLICANT CONCERNING

ANTI-POLLUTION BENEFITS OR ANY ALLEGED BENEFITS OF DOWNEY OFF ROAD MANUFACTURING'S EFI AIR CLEANER ASSEMBLY.

No claim of any kind, such as "Approved by the Air Resources Board", may be made with respect to the action taken herein in any advertising of other oral or written communication.

Violation of any of the above conditions shall be grounds for revocation of this order. The order may be revoked only after a ten-day written notice of intention to revoke the order, in which period the holder of the order may request in writing a hearing to contest the proposed revocation. If a hearing is requested, it shall be held within ten days of receipt of the request and the order may not be revoked until a determination is made, after the hearing, that grounds for revocation exist.

Executive Order D-165-6, dated June 2000, is superseded and of no further force and effect.

Executed at El Monte, California, this 16TH day of May 2002.


Allen Lyons, Chief
New Vehicle/Engine Programs Branch